

BILL ANALYSIS

Senate Research Center
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S.B. 727
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas needs to have a more reliable and complete resource to help law enforcement solve crimes and apprehend suspects.

Under current law, those sentenced to the Texas Department of Criminal Justice (TDCJ) or the Texas Youth Commission (TYC) are mandated to provide a DNA sample. In addition, those convicted of sex crimes must provide a DNA sample. However, individuals currently not required to provide a DNA sample are those sentenced to probation and those on deferred adjudication.

As proposed, S.B. 727 requires convicted felons, including juveniles and those on probation, to provide a DNA sample. This bill will help our police and help serve the interests of justice.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.141(3), Government Code, to redefine "criminal justice agency."

SECTION 2. Amends Sections 411.148(a), (d), (f-1), (j), and (k), Government Code, as follows:

(a) Provides that this section applies to an individual, other than a juvenile, who is ordered by a magistrate or court to provide a DNA sample under Section 411.154 (Enforcement by Court Order) or other law, including as part of an order granting community supervision to the individual; or a juvenile who, following an adjudication for conduct constituting a felony, is placed on probation. Makes nonsubstantive changes.

(d) Requires the Texas Youth Commission (TYC), if an individual described by Subsection (a)(2)(A) is received into custody by TYC, to collect the sample from the individual during the initial examination or at another time determined by TYC. Requires a criminal justice agency, if an individual who is required under this section or other law to provide a DNA sample is in the custody or under the supervision of another criminal justice agency, such as a community supervision and corrections department, a parole office, or a local juvenile probation department or parole office, to collect the sample from the individual at a time determined by the agency.

(f-1) Requires TYC to notify the public safety director that an individual described by Subsection (a)(2)(A), rather than Subsection (a)(2), is to be released from custody not earlier than the 120th day before the individual's release date and not later than the 90th day before the individual's release date.

(j) Makes a conforming change.

(k) Provides that when a criminal justice agency of this state agrees to accept custody or supervision of an individual from another state or jurisdiction under an interstate compact or a reciprocal agreement with a local, county, state, or federal agency, the acceptance is

conditional on the individual providing a DNA sample under this subchapter if the individual was convicted of or adjudicated as having engaged in conduct constituting a felony.

SECTION 3. Amends Section 11, Article 42.12, Code of Criminal Procedure, by adding Subsection (j), to require a judge granting community supervision to a defendant convicted of a felony to require that the defendant, as a condition of community supervision, provide a DNA sample under Subchapter G (DNA Database System), Chapter 411 (Department of Public Safety of the State of Texas), Government Code, for the purpose of creating a DNA record of the defendant, unless the defendant has already submitted the required sample under other state law.

SECTION 4. Amends Chapter 54, Family Code, by adding Section 54.0409, as follows:

Sec. 54.0409. DNA SAMPLE REQUIRED ON FELONY ADJUDICATION. Requires the court, if a court or jury makes a disposition under Section 54.04 (Disposition Hearing) in which a child is adjudicated as having engaged in conduct constituting the commission of a felony and is placed on probation, to require as a condition of probation that the child provide a DNA sample under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the child, unless the child has already submitted the required sample under other state law.

SECTION 5. Repealer: Section 411.148(e) (regarding the collection of DNA from an individual received into custody of TYC), Government Code.

SECTION 6. Makes application of Section 11(j), Article 42.12, Code of Criminal Procedure, and Section 54.0409, Family Code, as added by this Act, prospective.

SECTION 7. Effective date: September 1, 2009.